

EALING COUNCIL LICENSING SUB COMMITTEE
Licensing Sub-Committee Summary Review Hearing
Jeet Food & Wine, 61 The Green, Southall, UB2 4AR
7 May 2021

PRESENT: Councillor Jammu; Councillor Ahmed; and Councillor Kumar

ALSO PRESENT:

PC Victoria Hewison, Police Representative (Applicant)

PC Kerry Smart, Police Representative

Sergeant Graham Edwards, Police Representative

Ms Heather Oliver, Counsel for the Metropolitan Police

Mr Harjeet Talwar, Premise License Holder

Mr Panchal, Representative to Premises License Holder (Personal License Courses Ltd)

Mr Thomas Griffin, Counsel for the Premises License Holder (Citadel Chambers)

Ms Alison Luff, Legal Advisor to the Sub-Committee (Ealing Council)

Ms Misha Jalil, Democratic Services Officer (Ealing Council)

Introduction

The Chair introduced the sub-committee members and officers present and the other parties introduced themselves.

The Chair outlined the procedure that would be followed at the hearing and invited the Applicant's side to present their application.

Applicant's Presentation

Ms H. Oliver presented on behalf of the police.

Ms H. Oliver informed the sub-committee that the police asked for the premises license to be suspended pending a full review. She stated that section 53A of the Licensing Act 2003 was satisfied as, firstly the premises were licensed for the sale of alcohol by retail and secondly the relevant certificate by a superintendent had been provided. Ms H. Oliver stated that in the superintendent's opinion the premises were associated with serious crime.

Ms H. Oliver reminded the sub-committee that the test for a serious crime was either:

- a) a type of offence that a person of 21 years or over of good character might reasonably expect a sentence of 3 or more years, or
- b) conduct involving the use of violence.

Ms H. Oliver stated that Mr H. Talwar was involved in an incident on 3 May 2021 which satisfied both tests and therefore the incident was undoubtedly a serious crime.

Ms H. Oliver stated that on 3 May 2021 at 18:15pm, the police were called to Osterley Park Road by a female who said she had come out of a corner shop and a man, believed to be the owner of the shop, had assaulted her and her husband. The female caller stated that the man was stomping on her husband's head and that the two suspects appeared to be drunk. Ms H. Oliver reminded the sub-committee that there was a record of the 999 call included at page 19 of the agenda (reference: CAD 5249).

Ms H. Oliver referred to a call (reference: CAD 5339) received by the police at 18:24pm on 3 May 2021 from SAIMA Alarms due to a personal attack alarm that had been set off, very close to the premises, at 61 The Green, Southall.

Ms H. Oliver referred a part of the police crime report, at page 61 of the agenda, which included a summary of the events that allegedly took place on 3 May 2021. On Monday 3 May 2021 at 18:15pm the police were called to Osterley Park Road. When 2 officers had arrived, both suspects and the victim (who was believed to be the one making the 999 call) were still present at the location. The female informed the officers that she was in the premises when 2 suspects made lewd comments towards her. Her husband had overheard and challenged the suspects which resulted in an argument. One of the suspects, not believed to be Mr H. Talwar, was alleged to have punched the female informant's husband (male victim) on the head. Mr H. Talwar was alleged to have swiped the male victim's legs which caused him to fall to the ground. The male victim was then violently attacked by both suspects who had allegedly repeatedly kicked the victim and stamped on his head. The two suspects then walked down Osterley Park Road where they were stopped by officers. An account was taken by both suspects who suggested that the incident was instigated by the alleged male victim and they stated that another male picked up a brick and swung it towards the male victim. Ms H. Oliver informed the sub-committee that the police officers believed that both male suspects, including Mr H. Talwar, were intoxicated. She reminded the committee that the female informant making the 999 call (reference: CAD 5249) had also mentioned that the suspects appeared intoxicated. She stated that there was an independent witness who also corroborated the account given by the female informant, stating that he saw both suspects kicking and stamping on the male victim's head.

Ms H. Oliver explained that the male victim suffered two one-inch cuts to either eyebrow and he did not require ambulance service intervention.

Ms H. Oliver stated that both suspects were arrested for grievous bodily harm.

Ms H. Oliver referred to allegations made by a female, who they believed to be the same female that made the 999 call at 18:15pm (reference: CAD 5249). She stated that at 23:11pm, a female called 999 (reference: CAD 7184) and alleged that she had been subjected to long running harassment by Mr H. Talwar and the second suspect that was arrested for grievous bodily harm. She had stated that both suspects had made sexual gestures to her when she visited the premises and repeatedly suggested that they want to have sex with her.

Ms H. Oliver explained that CCTV footage was requested by officers but Mr H. Talwar had informed them that their system did not record footage but instead showed staff live feed. Mr H. Oliver informed the sub-committee that recorded CCTV was previously acquired from these premises in the past.

Ms. H Oliver emphasises that Mr H. Talwar was intoxicated and this was particularly concerning as he was also the Designated Premises Supervisor (“DPS”). He appeared to have been intoxicated whilst discharging his duty as DPS on 3 May 2021.

Questions to Applicant and/or their Representative:

There were none.

Premises Presentation

Mr T. Griffin presented on behalf of the premises.

Mr T. Griffin informed the sub-committee that he had received a copy of an email from the same female informant who had initially made allegations against Mr H. Talwar. He explained that he had only received the email just prior to the hearing at 10:20am and therefore he believed the sub-committee may not have seen it. The email was written by the female informant, who had used her husband’s account, and sent the message to Mr H. Talwar’s email address. He stated that he sent a copy of the same email to Democratic Services. The sub-committee confirmed that they had seen a copy of the email.

Mr T. Griffin read out the contents of the email, without disclosing the name of the female informant. In the email, allegedly from the female informant, it stated that Mr H. Talwar was not the one who had sexually harassed her or assaulted her husband but instead it was a third person who was also present during the incident. The email was signed with the female informant’s full name and telephone number.

Mr T. Griffin emphasised that the email was evidence that Mr H. Talwar had not made any lewd comments towards the female informant and he had not assaulted anyone. He further explained that the third person, a member of public, was the one involved in the incident with the female informant’s husband (male victim). Mr T. Griffin further confirmed that as a result of the altercation between the male victim and the third person, Mr H. Talwar had pushed the male victim. However, the push

was the extent of his involvement. Mr H. Talwar did no stamp on or partake in further violent conduct. He also stated that the third person was the one that picked up a brick and swung it towards the male victim.

Mr T. Griffin stated that his client, Mr H. Talwar and the male victim did have a discussion on 3 May 2021 but that discussion was not abusive or insulting in any way.

Mr T. Griffin explained that the CCTV system in the premises did not record footage because the system had recently been replaced as the inside of the shop had been recently refurbished.

Mr T. Griffin stated that the incident on 3 May 2021 did not occur inside the premises. It had occurred outside the shop on a road some distance away.

Mr T. Griffin referred to the independent witness that corroborated the account given by the female informant. He stated that the independent witness' statement may be inaccurate, particularly given that the female informant had revoked her original statement and made it clear that Mr H. Talwar was not the one who had assaulted her husband (male victim) nor had he made any lewd comments or gestures towards her.

Mr T. Griffin stated that there was no need for a suspension at this stage and that full disclosure of evidence can be provided to the sub-committee at the full review hearing.

Questions to Premises License Holder

Mr T. Griffin stated that Mr H. Talwar's had limited understanding of English and therefore Mr Panchal would need to translate any questions directed towards him.

In response to a question by the sub-committee, Mr T. Griffin responded that Mr H. Talwar normally finished work at 16:00pm. During the time that the incident took place, Mr H. Talwar was only restocking shelves and not discharging his duties as DPS. When Mr H. Talwar left the premises, he had a single bottle of beer which he had started but not finished drinking. Mr H. Talwar was not intoxicated.

Summary by Premises License Holder:

Mr Panchal stated that the female informant was a regular customer at Mr H. Talwar's premises and she continued purchasing her groceries at the premises even after making the original complaint. Therefore, she had a good relationship with Mr H. Talwar.

Mr Panchal reiterated that the incident happened outside the premises on a street near an alleyway.

Summary by Applicant:

Ms H. Oliver reminded the sub-committee that a serious crime had taken place and was associated with the premises. The police report included statements from at least 2 witnesses and the victim. Mr H. Talwar was seen acting violently towards the male victim, including stomping on the male victim's head.

Ms H. Oliver explained that the sub-committee must be cautious about giving weight to the new document presented by Mr T. Griffin, namely the email allegedly written by the female informant. She stated that she had also been sent a copy of the email. She noticed that the name on the email address from which it was sent was not the same name as the male victim or the female informant. It was not a new statement by the female informant but rather a copy of an email. There was also no information about how that email came into the possession of Mr T. Griffin. There was no information about how that email was written, for example was it solicited or did the female informant sent it on her own accord.

Ms H. Oliver reminded the sub-committee that they had before them 2 clear 999 calls and a police report detailing the same allegations that were made during the 999 calls.

Ms H Oliver stated that police were concerned with the lack of CCTV footage, apparent intoxication of Mr H. Talwar (who was the DPS) and the premises was associated with a serious crime. Therefore she asked for the license to be suspended pending a full review.

Decision

The decision of the sub-committee was to suspend the premises licence, with immediate effect, pending the full review hearing, within 28 days.